

REMARKS

This responds to the Final Office Action dated November 13, 2008.

Claims 1 and 3-5 are amended. Claims 1-10 and 57-66 remain pending in this application.

§103 Rejection of the Claims

Claims 1-10 and 57-66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine (U.S. Patent No. 6,477,417, hereinafter “Levine”) in view of Branham et al. U.S. Patent No. 5,687,737, hereinafter “Branham”) and Morgan (U.S. Patent No. 5,024,221, hereinafter “Morgan”).

Claim 1

Claim 1 has been amended to more clearly describe the recited subject matter. Support for the amendment is found, for example, on page 10, lines 13-25 of the present application.

Applicant respectfully traverses the rejection and submits that Levine, Branham, and Morgan, individually or in combination with each other and reasoning given in the Office Action, do not provide the claimed subject matter. For example, Applicant is unable to find in Levine Branham, and Morgan, individually or in combination, among other things, a sensing circuit having a set of cutoff frequencies for filtering the sensed electrogram, wherein the set of cutoff frequencies is programmed to a first set of values suitable for far-field electrogram sensing while the pacing circuit is inactive and programmed to a second set of values suitable for intracardiac electrogram sensing while the pacing circuit is capable of producing pacing pulses, as recited in claim 1. Applicant is unable to find in the Office Action a reason that addresses this deficiency of the cited references.

The Office Action asserts, under Response to Arguments, that the “claim language does not require the first set of cutoff frequencies to be used only while the pacing circuit is inactive, and the second set to be used only when the device is capable of producing pulses.” As amended to more clearly describe the subject matter, claim 1 recites a set of cutoff frequencies programmed to a first set of values while the pacing circuit is inactive and programmed to a

second set of values suitable while the pacing circuit is capable of producing pacing pulses. A set of cutoff frequencies cannot be programmed to two sets of values at the same time.

Applicant respectfully requests reconsideration and allowance of claim 1.

Claims 2-10 and 57-66

Claims 3-5 have been amended to more clearly describe the recited subject matter and to conform with the amended claim 1. Support for the amendment is found, for example, on page 10, lines 13-30 of the present application.

Applicant respectfully traverses the rejection. Claims 2-10 and 57-66 are dependent on claim 1, which is believed to be patentable for at least the reasons set forth above. Therefore, the discussion above for claim 1 is incorporated herein to support the patentability of 2-10 and 57-66.

Applicant respectfully requests reconsideration and allowance of claims 2-10 and 57-66.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6965 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
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By _____

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 13, 2009.

Kate Gannon

Name _____

Signature _____

